



**City of Lilburn
City Council Meeting Minutes**

DRAFT

**May 11, 2020 at 7:30 p.m.
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

Council Members:

Tim Dunn, Mayor

Lindsay Voigt, Post 1

Scott Batterton, Post 2

Eddie Price, Post 3

Vacant, Post 4

A work session was held prior to the regular scheduled meeting, at 6:30 p.m., to allow the elected officials to discuss this evening's agenda items. No other items were discussed and no actions were taken.

5/11/2020 - Minutes

I. Executive Session (If Necessary)

1. Executive Session

A motion to move to executive session to consult with legal counsel concerning a pending or potential litigation, settlement, claims or other matters pursuant O.C.G.A. 50-14-1(b)(1)(A) and 50-14-2 at 7:01 p.m. was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

A motion to move out of executive session at 7:36 p.m. was made by Council member Batterton, seconded by Council member Price.

Motion passed with a 3-0 vote.

II. Call To Order

The meeting was called to order at 7:39 p.m. by Mayor Dunn.

1. Zoom Meeting Information

III. Roll Call

Present via Zoom:

- Mayor Tim Dunn
- Council member Lindsay Voigt
- Council member Scott Batterton
- Council member Eddie Price

IV. Pledge To The Flag

The pledge to the flag was led by Mayor Dunn.

V. Approval Of Agenda

A motion to approve the May 11, 2020 City Council agenda, with no additions, was made by Council member Price, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

VI. Announcements

1. City Events

VII. Ceremonial Matter

1. National Police Week Proclamation

VIII. Public Comment

None.

IX. Approval Of Minutes

1. City Council Meeting Draft Minutes From March 9, 2020

A motion to approve the City Council meeting draft minutes from March 9, 2020 was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

2. Special Called City Council Meeting Draft Minutes From March 27, 2020

A motion to approve the Special Called City Council meeting draft minutes from March 27, 2020 was made by Council member Batterton, seconded by Council member Price.

Motion passed with a 3-0 vote.

X. Public Hearing

1. PH Item 1 - SUP-2020-02 – Tiffney Jackson. Special Use Permit For Personal Care Home In R-1 - 735 Jacksons Mill Rd

Joellen Wilson, Planning Director:

The applicant intends to license and operate a small Personal Care Home, to provide housing and specific personal care to four (4) unrelated adults in a 1,317 square foot house at 735 Jacksons Mill Way. The property is zoned R-1, developed in 1982 as a 0.3 acre single family residential lot within the Jackson's Mill Subdivision and the three bedroom dwelling has always been residential in nature. Staff review of Zoning Article 14 definitions for family and personal care home and Section 715 Group Home found the property meets all lot, parking and building criteria.

The applicant, who is the property owner, provided supplemental information just prior to Feb. 27 PC meeting to clarify that she does not intend to live in the home. While off-site management of a personal care home is not specifically prohibited in definitions or supplemental conditions for Group Home, Planning Commission tabled the case to review similar historic zoning cases and municipal licensing requirements. The April 23, 2020, summary of historic zoning actions on a personal care home in R-1, (SUP-01-96, SUP-09-06 and CIC-2014-03) indicates various zoning conditions of occupancy by the owner as caretaker or a relative of the owner, due to the nature of the business. Also significant, Lilburn municipal licensing criteria, under Section 716 -Home Occupation, require the SUP (Sec. 716-9) and the business owner to show proof of residency (716-6):

716-6. Employees. The home occupation shall be carried on only by a member or members of the family residing in the residence. Only occupants of the dwelling and one additional employee shall be authorized to work on the premises in connection with a home occupation.

All public notices were provided and there was no public comment on the proposal.

Mayor Dunn opened the floor for those in favor. Hearing none, Mayor Dunn called for those in opposition. Hearing none, Mayor Dunn closed the public hearing.

A motion to deny Ordinance #2020-549 to approve SUP-2020-02 with the following conditions was made by Council member Batterton, seconded by Council member Price.

1. There shall be no modification or additions to the house without zoning review and permits.
2. The SUP shall apply only to the current owner who is also the operator. SUP shall expire if the property is sold or otherwise transferred or leased, and void if managed by a party other than the property owner.
3. The owner of the personal care home shall be required to reside in the home.

The Mayor and City Council find that granting approval of the Special Use Permit to allow a small group home without the condition that the property owner to reside in the home is not in the best interest of the public health, safety, and general welfare of the City of Lilburn.

Motion of denial passed with a 3-0 vote.

XI. Agenda

1. Agenda Item 1 - Resolution No. 2020-08, Advance Funds To The Lilburn Development Authority For The Purchase Of Property

Jenny Simpkins, Assistant City Manager:

This resolution will provide necessary funding for the Lilburn DDA to purchase three properties in the downtown central business district for the purposes of revitalizing and redeveloping the district. The properties include 57 Railroad Avenue, 4845 First Avenue, and 4855 Velva Way. Two Intergovernmental Agreements detailing the advances and payback provisions are included with the resolution.

Motion to approve Resolution No. 2020-08, advance funds to the Lilburn Development Authority for the purchase of properties, 57 Railroad Ave and 4845 First Ave., as amended was made by Council member Voigt, seconded by Council member Batterton.

Motion passed with a 3-0 vote, Council member Price recused himself because he is a member of the DDA.

2. Agenda Item 2 - New Location For An Alcohol License – Bash Event Hall – 3870 Lawrenceville Hwy. - Banquet Hall - Beer & Wine

The Licensing & Revenue Manager received a new alcohol application for consumption on premise for Banquet Hall - beer & wine from Bash Event Hall, located at 3870 Lawrenceville Hwy. The location meets all zoning requirements. It is a new location and has never held an alcohol license.

Staff recommends the license be effective immediately upon approval of the city council and contingent upon receiving an occupational tax certificate.

Motion to approve, Bash Event Hall, located at 3870 Lawrenceville Hwy, for an alcohol license for on premise Banquet Hall - beer & wine, contingent upon receiving an occupational tax certificate, was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

XII. Adjournment

There being no further business, Council member Batterton made a motion to adjourn at 8:05 p.m., seconded by Council member Price.

Motion passed with a 3-0 vote.

Approved this _____ day of _____, 20__.

Tim Dunn, Mayor

ATTEST:

Melissa L. Penate, City Clerk
(Seal)